

House Resolution 1087

By: Representatives Welch of the 110th, Powell of the 171st, Nix of the 69th, Jasperse of the 11th, and Brockway of the 102nd

A RESOLUTION

1 Proposing an amendment to the Constitution so as to authorize the General Assembly to
2 provide by general law for the dedication of revenues derived from fees or other assessments
3 to the public purpose for which such fees or other assessments were imposed; to provide for
4 procedures, conditions, and limitations; to provide for the submission of this amendment for
5 ratification or rejection; and for other purposes.

6 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

8 Article III, Section IX, Paragraph VI of the Constitution is amended by adding a new
9 subparagraph to read as follows:

10 "(o)(1) The General Assembly may provide by general law for the dedication of revenues
11 derived from fees or other assessments to the public purpose for which such fees or other
12 assessments were imposed. Any such dedication of revenues may also be used to offset,
13 in whole or in part, the costs to the state of implementing and administering such public
14 purpose.

15 (2) Any general law enacted pursuant to this subparagraph shall not be subject to the
16 limitations of Article III, Section IX, Paragraph IV(c), relating to the lapsing of funds;
17 subparagraph (a) of this Paragraph, relating to allocation of proceeds; or Article VII,
18 Section III, Paragraph II(a), relating to payment into the general fund of the state treasury.

19 (3) Any general law enacted pursuant to this subparagraph shall not become effective
20 unless approved by two-thirds of the members elected to each branch of the General
21 Assembly in a roll-call vote.

22 (4) No revenues which are dedicated by a general law enacted pursuant to this
23 subparagraph shall be subject to any further dedication, any rededication to another
24 purpose, or any alteration whatsoever through the general appropriations Act, or any
25 amendment thereto, or any supplementary appropriations Act, or any amendment thereto,
26 and any such further dedication, rededication to another purpose, or alteration shall be
27 void and of no force and effect. If the General Assembly intends to modify temporarily,

to amend, or to repeal the provisions of a general law enacted pursuant to this subparagraph, it shall do so only in strict accordance with the following procedures:

(A) In the event the Governor declares a financial emergency in this state, the dedication of revenues pursuant to general law enacted pursuant to this subparagraph may be modified temporarily by suspending such dedication of revenues by the adoption of a joint resolution by a majority of the General Assembly. Such joint resolution shall not be effective for more than two consecutive fiscal years and may be adopted not more than twice in any ten-year period.

(B) Except as otherwise provided in the case of a temporary modification, no amendment to or repeal of any general law enacted pursuant to this subparagraph shall become effective unless approved by two-thirds of the members elected to each branch of the General Assembly in a roll-call vote.

(5) No revenues which are dedicated pursuant to any other provision of this Constitution by a general law enacted pursuant to any other provision of this Constitution shall be subject to any further dedication, any rededication to another purpose, or any alteration whatsoever unless specifically authorized pursuant to such other provision of the Constitution and in the absence of such specific authorization, any such further dedication, rededication to another purpose, or alteration shall be void and of no force and effect."

SECTION 2.

The above proposed amendment to the Constitution shall be published and submitted as provided in Article X, Section I, Paragraph II of the Constitution. The ballot submitting the above proposed amendment shall have written or printed thereon the following:

"() YES Shall the Constitution of Georgia be amended so as to authorize the General Assembly to dedicate revenues derived from fees or assessments to the
() NO public purpose for which such fees or other assessments were imposed?"

All persons desiring to vote in favor of ratifying the proposed amendment shall vote "Yes."

All persons desiring to vote against ratifying the proposed amendment shall vote "No." If such amendment shall be ratified as provided in said Paragraph of the Constitution, it shall become a part of the Constitution of this state.